THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13461of 2006

21-07-2006

Between:-

M/s. Phoenix Share and Stock Brokers Pvt., Ltd., a Private Limited Company incorporated under the Companies Act, 1956 having its registered office at 4th Floor, 24, Veer Nariman Road, Fort Mumbai-23 represented by its Director Sri Gaurav Sanghvi and another.

Petitioners

And

State of Andhra Pradesh represented through the Additional Director General of Police, CID, Hyderabad, Andhra Pradesh.

Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13461 of 2006

Oral order:

This writ petition is filed by a Private Limited Company assailing the notice issued by the Additional Director General of Police, an officer of the respondent-Government, dated 15-02-2006, in substance, addressing the National Securities Depository Limited, a DEMAT Agency, directing to freeze the accounts of the petitioner; to ensure maintenance of *status quo* of membership of the petitioner's clientele and not to have any transaction or dealings with the petitioner, without prior permission of the Metropolitan Sessions Judge-cum-Special Court, Nampally, Hyderabad.

The petitioner assails this directive issued by the respondent to the National Securities Depository Limited

on the ground that the respondent has no competence or authority to issue any such directive. Several grounds are urged in support of the petitioner's assertions and the relief claimed.

The Additional Director General of Police, C.I.D., Hyderabad has filed counter affidavit setting out the chronology of events leading to the impugned letter addressed to the National Securities Depository Limited. In the context of the current factual position, it is not necessary to deal with these assertions, as it is not necessary to deal with the contentions urged on behalf of the petitioner.

It is conceded by the respondent that in view of the order of the Special Court, exercising the power and jurisdiction under Section 105(E)(2) of the Code of Criminal Procedure, refusing to confirm the order of attachment of the property of the accused one K. Venkateshwar Rao, part of which is now in the form of equity with the petitioner company, the impugned directive of the respondent addressed to the National Securities Depository Limited has become inoperative and dis-functional.

In view of the above circumstances, the writ petition is dismissed as 'infructuous'. No costs.

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GODA RAGHURAM, J

Dated:21-07-2006
Pvks/*
Nb: Furnish c.c. by Monday.
B/o pvks/*